

### **Remarks/Arguments**

Claims 1 to 11 and 13 to 23 are pending. Claims 1, 4, 6, 12, 14, 16 and 17 have been amended. Claim 12 has been amended.

Entry of the claim amendments is requested as it is believed that the amended claims are allowable. The claim amendments should not require a new search as they all go to correcting formal matters, most of which were pointed out by the Examiner. The number of claims has been reduced by one. Support for the claim amendments is set out below.

Applicant notes that the Office Action stated: that applicants' amendment filed on March 25, 2008, has overcome the rejection of claims 6 to 11, 14 to 16 and 19 under 35 U.S.C. 112, second paragraph, as being indefinite for the term "stabilizing ligand"; and that the above rejection has been withdrawn.

The Office Action stated: that applicant stated that Claim 12 was cancelled because it was withdrawn from consideration but applicant has failed to cancel in the claim in the amendments to the claim. Claim 12 has been cancelled herein.

Claims 4 to 11 and 17 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, applicant has amended Claims 4 and 17 in accordance with the Examiner's specified concerns.

The Office Action stated: that, specifically, the chiral bidentate phosphine ligand listed in claims 4 and 17 are referred to by names that do not clearly define the structure of each ligand; that the Examiner must refer to the

specification to find the structures of the various compounds being referred in Claims 4 and 17; that a claim referring to the specification is improper except in rare instances and fails to particularly point out the subject matter that applicant regards as the invention; that, to overcome the rejection, applicant needs to insert the structures of each ligand disclosed in Claims 4 and 17; and that the structures are found on pages 6 to 7 of the specification. In response, applicant has amended Claims 4 and 17 accordingly. The structures of each ligand disclosed in Claims 4 and 17 are now included in Claims 4 and 17 as amended herein.

Claims 4 and 17 have been amended in accordance with the Examiner's specified concerns. Thus, applicant requests that this rejection of Claims 4 to 11 and 17 under 35 U.S.C. 112, second paragraph, be withdrawn presently.

Claims 6 to 11, 14 and 15 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, applicant has amended Claims 6 and 14 in accordance with the Examiner's specified concerns.

The Office Action stated: that a broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired; that applicant should note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where

broad language is followed by "such as" and then narrow language; that the Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims; and that in the present instance, Claims 6 and 14 recite the broad limitation diene and the claim also recites alkene and arene which is the narrower statement of the range/limitation. In response, applicant has amended Claims 6 and 14 to recite only alkene and arene, the narrower statement of the range/limitation.

The Office Action states: that Claim 22 recites the limitation "R is hydrogen, alkyl, cycloalkyl, aryl or aralkyl" which is dependent on Claim 1 but hydrogen is not found in the definition of variable R in Claim 1; and that there is insufficient antecedent basis for this limitation in the claim. In response, in this Amendment, antecedent basis has been added for this limitation in Claim 1.

Applicant has amended Claims 1, 6 and 14 in accordance with the Examiner's specified concerns.

Applicant requests that this rejection of Claims 6 to 11, 14 and 15 under 35 U.S.C. 112, second paragraph, be withdrawn.

Claim 1 has been objected to because of the following informalities; and that applicant inserted the limitation "that is a stabilizing" in Claim 1 but the amendment is grammatically incorrect and the limitation should read "that it is stabilizing". In response, in this Amendment, the subject limitation has been amended to read, "that is stabilizing".

Applicant requests that this objection to Claim 1 be withdrawn.

Reconsideration, reexamination and allowance of the claims are respectfully requested.

Respectfully submitted,

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Date

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